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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92058635
Party	Plaintiff Diana Karren and Charles Karren
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Submission	Answer to Counterclaim
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Date	06/23/2014
Attachments	00324147.PDF(26247 bytes)

IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration No. 3,613,730
Registered on April 28, 2009

DIANA KARREN and CHARLES	:	
KARREN,	:	
Petitioners,	:	Cancellation No. 9205 8635
	:	Registration No. 3,613,730
v.	:	Trademark: LA TERRE PROMISE
	:	
DOMAINE CARNEROS, LTD.	:	
	:	
Registrant.	:	

PETITIONERS' ANSWER TO COUNTERCLAIMS

Diana Karren, an individual, and Charles Karren, an individual (collectively, "Petitioners"), by their attorneys, for their Answer to the Counterclaims filed by Registrant Domaine Carneros Ltd. ("Registrant"), respond, plead, and avers as follows:

1. Petitioners admit the allegations in Paragraph 1 of the Counterclaims.
2. Petitioners admit the allegations in Paragraph 2 of the Counterclaims.
3. Petitioners admit that they have petitioned to cancel Registrant's Registration No. 3,613,730, and admit that they have claimed priority of use and that there is a likelihood of confusion between the two registered marks. Petitioners are without information or belief as to the truth of the remaining allegations included in Paragraph 3 of the Counterclaims, and on such basis deny the remaining allegations contained therein in their entirety.
4. Petitioners admit the allegations in Paragraph 4 of the Counterclaims.
5. Petitioners admit that they are husband and wife, admit that they live in Petaluma, California, admit that they grow wine grapes, and admit that they sell grapes to licensed

wineries. Petitioners deny the remaining allegations included in Paragraph 5 of the Counterclaims in their entirety.

6. Petitioners admit the allegations in Paragraph 6 of the Counterclaims.

7. Petitioners admit that on March 5, 2007, they applied to register their TERRA DE PROMISSIO trademark under Section 1(a) of the Lanham Act. Petitioners deny the remaining allegations included in Paragraph 7 of the Counterclaims in their entirety.

8. Denied.

9. Denied.

10. Denied.

11. Petitioners admit the allegations in Paragraph 11 of the Counterclaims.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

CLAIM 1 - ABANDONMENT

18. Petitioners hereby incorporate by reference the allegations of Paragraphs 1 through 17 hereof as if fully set forth here.

19. Denied.

CLAIM 2 – VOID REGISTRATION

20. Petitioners hereby incorporate by reference the allegations of Paragraphs 1 through 19 hereof as if fully set forth here.

21. Denied.

22. Denied.

23. Denied.

24. Denied.

25. Denied.

CLAIM 3 – LIMITATION OF TRADE CHANNELS (SECTION 18)

26. Petitioners hereby incorporate by reference the allegations of Paragraphs 1 through 25 hereof as if fully set forth here.

27. Denied.

28. Petitioners admit that some wines are sold on a “direct to consumer” basis, and deny the remaining allegations included in Paragraph 28 of the Counterclaims in their entirety.

29. Petitioners admit that their Petition for Cancellation alleges that consumers are likely to be confused by Registrant’s trademark, Registration No. 3,613,730, and deny the remaining allegations included in Paragraph 29 of the Counterclaims in their entirety.

PETITIONERS’ AFFIRMATIVE DEFENSES

In further answer to Registrant’s Counterclaims, Petitioners allege and assert as separate and affirmative defenses, without assuming the burden of proof on such defenses that would otherwise rest with Registrant, as follows:

1. The Counterclaims, and each paragraph thereof, taken individually or collectively, fail to state a claim upon which relief can be grounded, and fail to give legally sufficient grounds for granting cancellation of Petitioners’ TERRA DE PROMISSIO trademark.

2. Registrant lacks standing to seek cancellation of the TERRA DE PROMISSIO trademark in that, on information and belief, Registrant does not have a valid trademark or other rights, superior or otherwise, upon which its Counterclaims for cancellation may be premised.

3. Registrant's Counterclaims are barred by the doctrines of laches and unclean hands.

4. Petitioners reserve the right to assert additional affirmative defenses learned in discovery or otherwise.

Dated: June 23, 2014
Santa Rosa, California

Respectfully submitted,

/jmb-163603/
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In the Matter of Registration No. 3,613,730
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PROOF OF SERVICE

I am employed in the County of Sonoma; I am over the age of eighteen (18) years and not a party to the within entitled action; my business address is 100 B Street, Suite 400, Santa Rosa, California 95401.

I hereby certify that a true and complete copy of the foregoing **PETITIONERS' ANSWER TO COUNTERCLAIMS** has been served on the attorneys of record for Registrant by mailing said copy on June 23, 2014, via First-Class Mail, postage prepaid to:

Paul W Reidl
Law Office of Paul W Reidl
241 Eagle Trace Drive
Half Moon Bay, CA 94019

Executed on June 23, 2014, at Santa Rosa, California.

/Linda H. Siskind/
Linda H. Siskind